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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,402	06/19/2001	Emmanuel Duret	612.40181X00	1339

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EXAMINER

BRODA, SAMUEL

ART UNIT PAPER NUMBER

2123

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/883,402	DURET ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Samuel Broda	2123	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>19 June 2001</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

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### **DETAILED ACTION**

1. Claims 1-18, resulting from the original Application and a Preliminary Amendment both filed on 19 June 2001, have been examined.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a) - (d); these papers have been placed of record in the file.

#### ***Information Disclosure Statement***

3. The Information Disclosure Statement by Applicant ("IDS") submitted with the Application includes a document titled "Laser Patterning Method for Integrated Type a-Si Solar Cell Submodules." This document is not referenced in the search report prepared by the French Patent Office and a copy of this document does not appear to have been submitted with the Application. The Examiner was unable to locate a copy of this document. Accordingly, it was not considered.

#### ***Drawings***

4. The drawings currently of record in this case appear informal. Applicants are encouraged to submit formal drawings in response to this Office action. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any

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informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.

***Abstract***

5. The abstract of the disclosure is objected to because it does not appear to be limited to a single paragraph. Correction is required. See MPEP 608.01(b).

***Claim Rejections - 35 U.S.C. § 112, Second Paragraph***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.1 Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

6.2 Regarding independent claim 1, this claim is generally narrative and indefinite, failing to conform with current U.S. practice. It is impossible to define the scope of the claim as it is unclear where the preamble ends and the limitations begin.

For the purpose of further claim examination, the claim language beginning with the statement "the pipe is subdivided" was considered as comprising the limitations.

6.3 Dependent claims 2-18 are rejected using the same analysis.

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***Claim Rejections - 35 U.S.C. § 101***

7. The following is a quotation of 35 U.S.C. 101:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7.1 Method claims 1-18 are rejected for reciting a process that is not directed to the technological arts.

Regarding claim 1, this claim is directed at an automatic pipe gridding method. To be statutory, the utility of an invention must be within the technological arts. *In re Musgrave*, 167 USPQ 280, 289-90 (CCPA, 1970). The definition of “technology” is the “application of science and engineering to the development of machines and procedures in order to enhance or improve human conditions, or at least to improve human efficiency in some respect.” (Computer Dictionary 384 (Microsoft Press, 2d ed. 1994)).

The limitations recited in claim 1 contain no language suggesting that claim 1 is intended to be within the technological arts. Additionally, the language of claim 1 raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

7.2 Dependent claims 2-18 are rejected using the same analysis.

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***Allowable Subject Matter***

8. Claims 1-18 would be allowable if rewritten to overcome the rejections under both 35 U.S.C. 101 and 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure. Reference to Kitmura et al, U. S. Patent 6,434,495 is cited as teaching a two-phase heat-flow analyzing method including simulation of volume regions as nodes.

Reference to Ueda et al, U. S. Patent 6,336,085 is cited as teaching a simulation of abnormal flows in an extractor.

Reference to John et al, "A Coupled Multigrid Method for Nonconforming Finite Element Discretizations of the 2D-Stokes Equation," Computing (1999)(paper available at <http://citeseer.ist.psu.edu/john99coupled.html>), is cited as teaching a multigrid method.

Reference to Pieper, "Observations on Convergence Problems of Pipeline Networks," IEEE Proceedings of the 13<sup>th</sup> Southeastern Symposium on System Theory, pp. 38-41 (March 1998), is cited as teaching an introduction to methods of solving pipeline networks.

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10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samuel Broda, whose telephone number is (571) 272-3709. The Examiner can normally be reached on Mondays through Fridays from 8:00 AM – 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kevin Teska, can be reached at (571) 272-3716. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist, whose telephone number is (571) 272-2100.



**SAMUEL BRODA, ESQ.  
PRIMARY EXAMINER**